

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

TYRES FRAI' AUNT AUTREY

PLAINTIFF

VS.

CIVIL ACTION: 1:15cv266-LG-RHW

PASCAGOULA SCHOOL DISTRICT

DEFENDANT

REPORT AND RECOMMENDATION

Before the Court is [2], the *pro se* Plaintiff's motion for leave to proceed *in forma pauperis* (IFP) in this employment discrimination case.¹ Plaintiff's application indicates he is 43 years old and has a Masters Degree. The undersigned having reviewed the application finds it provides insufficient information to allow for objective determination of the merits of the motion. In particular, as average monthly income over the past 12 months, the Plaintiff has entered, "unsure due to being a sub teacher." He enters the same response for anticipated income for next month. He states he receives \$118 per month unemployment, and that his total monthly income is \$472.² Plaintiff lists two jobs he has held from "2/12 - present," but as gross monthly pay he states "unsure depends on work." Additional assets listed by Plaintiff include \$130 in a checking account, a 2007 PT Cruiser for which no value is stated, and a \$600 debt owed to Plaintiff which is being repaid at \$100 per month. Plaintiff states he "moved in with someone 8/3/15," and lists total monthly expenses of \$720:³ \$80 utilities, \$160 food, \$30 laundry, \$40 life insurance, \$160 auto insurance, \$200 car payment and \$105 credit card payment.

¹Plaintiff filed this action on the 90th day after the EEOC closed his case. The complaint states no facts – in ¶ 4 Plaintiff states needs the EEOC file in order to present the facts. He states he will specify the relief he seeks upon completion of his request for reconsideration which is pending before the EEOC.

²The Court cannot ascertain how this figure was calculated.

³The figures provided appear to actually total \$775.

RECOMMENDATION

Because the information given, and the lack of information as to Plaintiff's employment income, do not allow for a rational decision as to whether Plaintiff should be allowed to proceed IFP, the undersigned recommends that Plaintiff's motion be denied.

NOTICE OF RIGHT TO APPEAL/OBJECT

Under Rule 72(a)(3), *Local Uniform Civil Rules of the United States District Courts for the Northern District of Mississippi and the Southern District of Mississippi*, a party has 14 days after being served a copy of this Report and Recommendation to serve and file written objections to the Report and Recommendation. A party must file objections with the clerk of court and serve them upon the other parties and submit them to the assigned District Judge. Within seven days of service of the objection, the opposing party must either serve and file a response or notify the District Judge that he does not intend to respond to the objection. An objecting party must specifically identify the findings, conclusions, and recommendations to which he/she objects; the District Court need not consider frivolous, conclusive, or general objections. A party who fails to file written objections to the proposed findings, conclusions, and recommendations within 14 days of being served a copy shall be barred, except upon grounds of plain error, from attacking on appeal any proposed factual finding or legal conclusion accepted by the District Court to which he/she did not object. *Douglass v. United Services Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Signed, this the 20th day of August, 2015.

/s/ *Robert H. Walker*

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE